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DOCKET NO.: D0419.70008US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Donald Schwartz  
Serial No: 10/692,654  
Filed: October 24, 2003  
For: PIPETTING MODULE

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 11 day of May, 2004.

  
Marjorie DePina

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Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

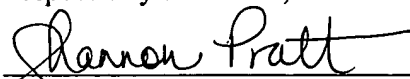
Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 with cited references
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:   
David Wolf, Reg. No.: 17,528  
Shannon Pratt, Reg. No. 55,548  
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600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617)720-3500

Date: May 11, 2004  
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DOCKET NO: D0419.70008US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H. Donald Schwartz  
Serial No: 10/692,654  
Confirmation No: Not Yet Assigned  
Filed: October 24, 2003  
For: PIPETTING MODULE  
Art Unit: Not Yet Assigned

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Marjorie DePina

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
10/443,350	May 22, 2003	H. Donald Schwartz

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The relevance of DE 56635 may be determined by its figures.

The relevance of DE 546343 may be determined by its figures.

The relevance of FR 2323997 may be determined by its figures.

The relevance of WO 02/07885 may be determined by its English abstract and its figures.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. Since this application was filed after June 30, 2003, copies of all U.S. patents and U.S. application publications are not enclosed. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

Serial No.: 10/692,654

- 3 -

Art Unit: Not Yet Assigned

An early and favorable action is hereby requested.

Respectfully submitted,

By: Shannon Pratt  
David Wolf, Reg. No. 17,528  
Shannon Pratt, Reg. No. 55,548  
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600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

Date: May 11, 2004

FORM PTO-1449/A and B (Modified)		APPLICATION NO.: 10/692,654	ATTY. DOCKET NO.: D0419.70008US00
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		FILING DATE: October 24, 2003	CONFIRMATION NO.:
		APPLICANT: H. Donald Schwawrtz	
		GROUP ART UNIT:	EXAMINER:
Sheet	MAY 13 2004	of	

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	1	1,983,229		Hillier, et al	12/04/1934
	2	2,383,324		LeClair	08/21/1945
	3	2,396,602		Posch	03/12/1946
	4	3,168,045		Sebastiani	02/02/1965
	5	3,333,548		Lyshkow	08/01/1967
	6	3,471,079		Myers	10/07/1969
	7	3,646,817		Hinchman, et al	03/07/1972
	8	3,695,788		Loomans	10/03/1972
	9	3,704,080		Cross	11/28/1972
	10	3,802,805		Roeser	04/09/1974
	11	3,913,787		Dilger	10/21/1975
	12	3,933,048		Scordato	01/20/1976
	13	3,935,734		Keegan	02/03/1976
	14	4,036,064		Hydo	07/19/1977
	15	4,061,037		Keegan	12/06/1977
	16	4,076,503		Atwood, et al	02/28/1978
	17	4,089,624		Nichols, et al	05/16/1978
	18	4,090,818		Hope, et al	05/23/1978
	19	4,111,051		Tamm, et al	09/05/1978
	20	4,133,211		Sarstedt	01/09/1979
	21	4,242,058		Zakora	12/30/1980
	22	4,255,096		Coker, Jr., et al	03/10/1981
	23	4,279,991		Hagen, et al	07/21/1981
	24	4,304,138		Tervamaki	12/08/1981
	25	4,449,897		Garrett	05/22/1984
	26	4,493,614		Chu, et al	01/15/1985
	27	4,566,868		Menzies	01/28/1986
	28	4,568,249		Todd	02/04/1986
	29	4,610,544		Riley	09/09/1986
	30	4,682,712		Bohnsieker	07/28/1987
	31	4,715,791		Berlin, et al	12/29/1987
	32	4,730,992		Ogawa	03/15/1988
	33	4,815,978		Mazza, et al	03/28/1989
	34	4,905,526		Magnussen, Jr., et al	03/06/1990
	35	4,941,808		Qureshi, et al	07/17/1990
	36	4,971,763		Columbus	11/20/1990
	37	5,366,904		Qureshi, et al	11/22/1994



38	5,383,372		Qureshi, et al	01/24/1995
39	5,958,789		Hyde, et al	09/28/1999

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	38	DE	56635			03/1891	N
	39	DE	0546343			03/1932	N
	40	UK	0556538			10/1943	
	41	FR	2323997			04/1977	N
	42	GB	2346096		Naumann, et al	08/02/2000	
	43	WO	01/57539	A1	Bevirt, et al	08/09/2001	
	44	WO	02/07885	A1	Cybio Instruments GmbH	01/31/2002	N

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]